plaintiff is not entitled to the injunction. On the question of damages the court was evenly divided. *Loranger* v. *City of Flint*, 152 N. W. 251 (Mich.).

A riparian proprietor has a right to appropriate, from the stream on which he is situated, only as much water as is reasonably necessary for his own domestic uses. *Acquackanonk Water Co.* v. *Watson*, 29 N. J. Eq. 366; *Stockport* v. *Potter*, 3 H. & C. 300. See 3 KENT'S COMM., 12 ed., 440. The fact that the riparian proprietor on a non-navigable stream is a municipality does not make its inhabitants riparian owners. Consequently, the municipality may not take the water for the domestic use of its inhabitants without compensating lower riparian owners. *City of Emporia* v. *Soden*, 25 Kan. 588; *Stein* v. *Burden*, 24 Ala. 130; *Stock* v. *City of Hillsdale*, 155 Mich. 375, 119 N. W. 435. See GOULD, WATERS, § 245. And though the location of a municipality on a stream may increase the number of individual riparian proprietors, that does not give to the municipality the right to appropriate water for its non-riparian inhabitants. *City of Reading* v. *Althouse*, 93 Pa. St. 400; *Mannville Co.* v. *City of Worcester*, 138 Mass. 89; *City of New Whatcom* v. *Fairhaven Land Co.*, 24 Wash. 493, 64 Pac. 735. *Contra*, *Canton* v. *Shock Co.*, 66 Oh. St. 19, 63 N. E. 600; *Barre Water Co.* v. *Carnes*, 65 Vt. 626, 27 Atl. 609. Again, the navigability of the stream, which gives the public a right of way, does not alter riparian rights. *City of New Whatcom* v. *Fairhaven Land Co.*, *supra*; *Fulton Co.* v. *State*, 200 N. Y. 400, 94 N. E. 199; *Kaukauna Co.* v. *Green Bay Canal Co.*, 142 U. S. 254. *Contra*, *Minneapolis Mill Co.* v. *Board of St. Paul*, 56 Minn. 485, 58 N. W. 33. Nor does title to the bed of the stream increase the right to use of the water. *Sweet* v. *City of Syracuse*, 129 N. Y. 316, 29 N. E. 289; *Myers* v. *City of St. Louis*, 8 Mo. App. 266. See GOULD, WATERS, § 246. Consequently the appropriation of water for all its inhabitants is a taking of property for which the municipality must make compensation.

WILLS — CONSTRUCTION — EFFECT OF MAKING SAME PERSON SPECIAL AND RESIDUARY LEGATEE. — A legatee who was to receive a special bequest and also one-half of the residue, predeceased the testatrix. The will expressly directed that the residue should contain any lapsed bequests. *Held*, that the lapsed specific legacy became intestate property. *Dickinson* v. *Belden*, 268 Ill. 105, 108 N. E. 1011.

As a testator, by making a general residuary clause, shows an intent to bequeath all his property, it is a general rule that all the property owned by him at his death, and not specifically bequeathed, together with all lapsed legacies, shall fall into the residue. *Cambridge* v. *Rous*, 8 Ves. Jr. 12. See *English* v. *Cooper*, 183 Ill. 203, 208, 55 N. E. 687, 688. See 2 JARMAN, WILLS, 6 ed., 1046. Indeed this rule applies even if the legacy which has lapsed was described as an exception from the residue. *Evans* v. *Jones*, 2 Collyer 516. Since a lapsed residuary legacy cannot swell the residue, it necessarily becomes intestate property. *Ketchum* v. *Corse*, 65 Conn. 85, 31 Atl. 486. But a lapsed specific legacy to the residuary legatee does increase the residue and should come within the residuary bequest. *In re Fassig's Estate*, 82 N. Y. Misc. 234, 143 N. Y. Supp. 494. Since there is intestacy as to the deceased legatee's share of the residue, this does not involve taking property from him in one guise, to return it in another. Any other rule is contrary to the intent of the testator in making the residuary clause. Hence it is submitted that the principal case is wrong, though it is in accord with the trend of authority. See *Dorsey* v. *Dodson*, 203 Ill. 32, 67 N. E. 395; *Craighead* v. *Given*, 10 Serg. & R. (Pa.) 351. It the more clearly defeats the intent of the testatrix in the principal case, since the will expressly stated that lapsed legacies should fall into the residue.

WITNESSES — PRIVILEGED COMMUNICATIONS — ATTORNEY AND CLIENT — PRIVILEGE OF ATTORNEY NOT TO DISCLOSE CLIENT'S IDENTITY. — Certain